

REMARKS

The Examiner is thanked for the performance of a thorough search. By this amendment, Claims 1 and 36 have also been amended to include the subject matter of claims 7, 9, 42, and 44, respectively. Claims 22 and 57 have also been amended. Hence, Claims 1-6, 8, 10-41, 43, and 45-70 are pending in this application. The amendments to the claims and the new claims do not add any new matter to this application. All issues raised in the Office Action mailed March 9, 2007 are addressed hereinafter.

Claim Rejections Under 35 USC § 102

Claims 1, 3, 4, 6, 7, 9, 10, 11-3, 15, 17-21, 27, 33, 36, 38, 39, 41, 42, 44, 45, 46-48, 50, 52-56, 62, and 68 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kikuchi et al., U.S. Patent No. 6,457, 007 (Kikuchi). It is respectfully submitted that these claims are patentable over Kikuchi for at least the reasons provided hereinafter.

1. (Currently amended) A method for provisioning databases for users on a network, the method comprising the steps of:
 - a **first party managing one or more database systems;**
 - a **plurality of second parties subscribing to database services supported by the one or more database systems managed by the first party,** wherein the database services include services for storing and managing data provided by the second parties; and
 - providing, over a the network, to database applications controlled by the second parties, access to the database services to which the second parties are subscribed,
 - wherein the database applications, **owned and controlled** by the second parties, interact with the database systems managed by the first party by sending, from the second parties, to the database systems, over the network, database commands that conform to the database language supported by the database system,
 - wherein execution of the database commands **allows the second parties to manipulate data objects** stored within at least one of the one or more database systems, [[and]]

delivering to a party over the network one or more messages which cause generation of user interfaces that allow the party to subscribe to said database services provided by said first party; and
delivering over the network, to a user associated with one of said second parties, one or more messages which cause generation of user interfaces that allow the user to access a database for a database service to which said one of said second parties has subscribed. (emphasis added)

Claims 1 and 36 recite one or more features that are not taught or suggested by Kikuchi. For example, as highlighted above, Claim 1 (as amended) recites, inter alia, the second parties **owning and controlling** database applications interacting with database systems managed by a first party. Claim 36 (as amended) also recites this. Such features are neither shown nor suggested by Kikuchi.

In rejecting this portion of the claims, the Office Action suggests that Kikuchi's "application program execution means, col. 8, lines 35-41" corresponds to the claimed database applications owned and controlled by the second parties (Office Action, page 5, 2nd paragraph). This assertion is respectfully traversed. Kikuchi's application program execution means 2 merely provides a connection to the database servers 41 construed by the Office Action to be managed by the first party (Kikuchi, col. 8, lines 49-51). By itself, the application program execution means 2 does not and can not constitute a database application, and does not have database capability independent of the database servers 41. Thus, Kikuchi's purported second parties do not own and control any database application. It is well-settled that anticipation under 35 U.S.C. §102 is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of a claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 U.S.P.Q. (BNA) 385, 388 (Fed. Cir.).

Additionally, as stated, Claims 1 and 36 have also been amended to include the subject matter of claims 7, 9, 42, and 44, respectively. In rejecting these now-cancelled claims, the

Office Action suggests that some portion of Kikuchi's col. 12, lines 5-22 corresponds to the claimed second parties controlling code (Office Action, page 7, 1st and 2nd paragraph, citing Kikuchi col. 12, lines 5-22). However, the Office Action did not specify which elements within this cited portion. In rejecting a claim, the grounds of that rejection must be fully and clearly stated. See MPEP § 707.07(d). In any case, the cited section of Kikuchi does not contain any information about generation of user interfaces, nor does any portion of Kikuchi.

For at least the above reasons, the rejection of claims 1 and 36 under 35 U.S.C. § 102 should be withdrawn. Claims 3, 4, 6, 10, 11-3, 15, 17-21, 27, 33, 38, 39, 41, 45, 46-48, 50, 52-56, 62, and 68 all depend from either Claim 1 or Claim 36 and thus include all their features. It is therefore respectfully submitted that these Claims are patentable over Kikushi for at least the reasons set forth herein with respect to Claims 1 and 36. Furthermore, it is respectfully submitted that these Claims recite additional limitations that independently render them patentable over Kikushi.

All remaining Claims were rejected under 35 U.S.C. § 103 as allegedly obvious over the above references, using Kikuchi as a base reference. However, all of these Claims either explicitly recite or depend from other Claims which recite, *inter alia*, a second party controlling source code, which as shown above are neither disclosed nor suggested by any combination of prior art, either by Kikuchi or by any other reference. The secondary references do not cure this deficiency of Kikuchi, and therefore any combination of Kikuchi with any of the secondary references cannot provide the complete combination of features recited in the remaining claims.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any fee shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP

/chris tanner/

Christopher M. Tanner
Reg. No. 41,518

2055 Gateway Place, Suite 550
San Jose, California 95110-1089
(408) 414-1080

Date: June 11, 2007

Facsimile: (408) 414-1076